

Chapter 137 of the Acts of 2003

AN ACT RELATIVE TO PUBLIC EMPLOYEES SERVING IN THE ARMED FORCES OF THE UNITED STATES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith the salaries of certain public employees who served or are serving in the armed forces, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, an employee in the service of the commonwealth or a county, city or town that accepts this section as provided in this section, including an employee of a school district, who has been granted a military leave of absence because the employee is a member of the army national guard, the air national guard or a reserve component of the armed forces of the United States called to active service in the armed forces of the United States after September 11, 2001, shall be entitled to receive pay at his regular base salary as such a public employee, and shall not lose any seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned overtime. An employee eligible under this section shall be paid his regular base salary as such a public employee for each pay period of such military leave of absence after September 11, 2001, reduced by any amount received from the United States as pay or allowance for military service performed during the same pay period, excluding overtime pay, shift differential pay, hazardous duty pay or any other additional compensation. For the purposes of this section, the words "active service" shall not include active duty for training in the army national guard or air national guard or as a reservist in the armed forces of the United States. This section shall take effect in a county, city or town upon its acceptance in a county, by vote of the county commissioners; in a city or town, as provided in [section 4 of chapter 4](#) of the General Laws; and in a regional school district, by vote of the school committee. Nothing in this section shall limit or reduce a person's entitlement to benefits under [section 59 of chapter 33](#) of the General Laws, and nothing in this section shall entitle a person to benefits in excess of the maximum benefit provided under said section 59 of said chapter 33 for any period during which that person is receiving benefits under this section.

SECTION 2. Notwithstanding any general or special law to the contrary, state agencies and municipal governments may expend in the current fiscal year associated costs incurred in prior fiscal years pursuant to this act.

SECTION 3. Notwithstanding any general or special law to the contrary, any employee eligible for retirement under section 616 of chapter 26 of the acts of 2003 who was stationed outside of the commonwealth on active military duty during the period from July 15, 2003 through September 1, 2003, inclusive, shall file his application for retirement with the state board of retirement within 30 days of discharge from active military duty outside the commonwealth or within 30 days of the effective date of this act. The retirement date requested shall be no more than 60 days and no less than 30 days from the date said application is filed with the state board of retirement.

SECTION 4. [Section 40N of chapter 7](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the definition "Minority business" the following definition:-

"Veteran-owned business", a contracting or subcontracting business which is beneficially owned by 1 or more veterans as defined in clause Forty-third of [section 7 of chapter 4](#), meeting the requirements set forth in clauses (1) to (4), inclusive, of the definition of minority business, except that the terms "veteran", "veteran owners", and "veteran-owned business", shall be substituted for the terms "minority" and "minority persons", "minority owners", and "minority business" as appearing in that definition.

SECTION 5. Said section 40N of said chapter 7, as so appearing, is hereby further amended by inserting in line 47 after the word "businesses", in lines 47 and 57, each time it appears, the following words:- , and veteran-owned businesses.

SECTION 6. Said section 40N of said chapter 7, as so appearing, is hereby further amended by inserting in line 62 after the word "businesses", in line 62, the following words:- and 3 per cent for veteran-owned businesses,.

SECTION 7. Said section 40N of said chapter 7, as so appearing, is hereby further amended by inserting after the word "women-owned", in lines 66, 100 and 106, each time it appears, the following words:- and veteran-owned.

SECTION 8. Said section 40N of said chapter 7, as so appearing, is hereby further amended by inserting in line 68 after the word "women-owned", in lines 68, 72 and 103, each time it appears, the following words:- or veteran-owned.

SECTION 9. Said section 40N of said chapter 7, as so appearing, is hereby further amended by inserting after the word "business", in line 71, the following words:- or 3 per cent for a veteran-owned business,.

SECTION 10. Said [section 40N of said chapter 7](#), as so appearing, is hereby further amended by inserting after the word "per cent", in line 77, the following words:- or veteran-owned business set-aside below 3 per cent.

SECTION 11. Said section 40N of said chapter 7, as so appearing, is hereby further amended by inserting after the word "section", in line 85, the following words:- ; nor shall any portion of contracting and subcontracting work reserved for minority-owned businesses under this section be awarded to any veteran-owned business not meeting the requirements of a minority-owned business under this section; nor shall any portion of contracting and subcontracting work reserved for women-owned businesses under this section be awarded to any veteran-owned business not meeting the requirements of a women-owned business under this section; nor shall any portion of contracting and subcontracting work reserved for veteran-owned businesses under this section be awarded to any minority-owned business not meeting the requirements of a veteran-owned business under this section; nor shall any portion of contracting and subcontracting work reserved for veteran-owned businesses be awarded to any women-owned business not meeting the requirements of a veteran-owned business under this section.

SECTION 12. Said section 40N of chapter 7, as so appearing, is hereby further amended by inserting after the word "court", in line 98, the following words:- and, in the case of veteran-owned businesses, to the department of veterans' services.

SECTION 13. Said section 40N of said chapter 7, as so appearing, is hereby further amended by adding the following paragraph:-

SOMBA shall work in collaboration with the Massachusetts Small Business Development Center Network and The National Veterans Business Development Corporation to establish and update, by periodic additions and deletions, a list of veteran-owned businesses under this section and shall cause the list to be published in the central register established in section 20 of chapter 9, and filed with the joint committee on state administration and in such other publications as the commissioner shall designate.

SECTION 14. [Section 39 of chapter 23A](#) of the General Laws, as so appearing, is hereby amended by inserting after the word "Minority", in line 5, the following words:- , women and veterans.

SECTION 15. Said section 39 of said chapter 23A, as so appearing, is hereby further amended by inserting after the word "minority", in line 7, the following words:- , women and veterans.

SECTION 16. [Section 40 of said chapter 23A](#), as so appearing, is hereby amended by inserting after the definition of "OMWBDE" the following definition:-

"Veteran business enterprise", for the purpose or receipt of services from SOMWBA, a business enterprise that is both owned and controlled by 1 or more veterans, as defined in [section 7 of chapter 4](#), who have invested in an ongoing business free of conversion rights.

SECTION 17. [Section 44 of said chapter 23A](#), as so appearing, is hereby amended by inserting after the word "women", in line 2, and in line 16, the second time it appears, and in lines 23, 51 and 57, in each instance, the following words:- and veteran.

SECTION 18. Said section 44 of said chapter 23A, as so appearing, is hereby further amended by inserting after the word "women", in line 16, the first time it appears, the following words:- or veteran.

SECTION 19. Said section 44 of said chapter 23A, as so appearing, is hereby further amended by striking out, in line 76, the words "or women-owned" and inserting in place thereof the following words:- or women-or veteran-owned.

SECTION 20. [Section 18 of chapter 30B](#) of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the word "forty N" and inserting in place thereof the following words:- 40N and any business beneficially owned by 1 or more veterans as provided in the definition of "veteran-owned business" as set forth in section 40N.

SECTION 21. Sections 1, 2 and 3 shall expire on September 11, 2005.

Approved November 26, 2003.

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